

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

FILED IN OPEN COURT  
ON 1-15-2019  
Peter A. Moore, Jr., Clerk  
US District Court  
Eastern District of NC  
JAA

NO. 5:19-CR-00018-1FL(3)  
NO. 5:19-CR-00018-2FL(3)

UNITED STATES OF AMERICA )

v. )

INDICTMENT

DEANDRE LAMONT MILES )

a/k/a "DD" )

TERRY LOUIS KEARNEY )

The Grand Jury charges that:

COUNT ONE

Beginning in or about 2017, the exact date being unknown to the Grand Jury, and continuing up to and including December 18, 2018, in the Eastern District of North Carolina, DEANDRE LAMONT MILES, also known as "DD", and TERRY LOUIS KEARNEY, defendants herein, did combine, conspire, confederate, agree, and have a tacit understanding with other persons, known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with the intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, and a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

Quantity of Controlled Substance Involved in the Conspiracy

With respect to the defendant, DEANDRE LAMONT MILES, also known as "DD," the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is one-hundred (100) grams or more of a mixture and substance containing a detectable amount of heroin, Schedule I controlled substance, and four-hundred (400) grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(b)(1)(A) and (B).

With respect to the defendant, TERRY LOUIS KEARNEY, the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is one-hundred (100) grams or more of a mixture and substance containing a detectable amount of heroin, Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(B).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

On or about October 26, 2018, in the Eastern District of North Carolina, the defendant, TERRY LOUIS KEARNEY, did knowingly and intentionally possess with the intent to distribute one-hundred (100) grams or more of a mixture and substance containing a detectable amount of heroin, Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

### COUNT THREE

On or about October 26, 2018, in the Eastern District of North Carolina, the defendant, TERRY LOUIS KEARNEY, did knowingly possess a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, as charged in Count Two of this Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A).

### COUNT FOUR

On or about October 26, 2018, in the Eastern District of North Carolina, the defendant, TERRY LOUIS KEARNEY, having been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, did knowingly possess, in and affecting commerce, a firearm, in violation of Title 18, United States Code, Sections 922(g)(1) and 924.

### COUNT FIVE

On or about December 18, 2018, in the Eastern District of North Carolina, the defendant, DEANDRE LAMONT MILES, also known as "DD", did knowingly and intentionally possess with the intent to distribute four-hundred (400) grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

### FORFEITURE NOTICE

The defendant is given notice that pursuant to the provisions of Title 21, United States Code, Section 853 and Title 18, United States Code, Section 924(d), the latter as made applicable by Title 28, United States Code, Section 2461(c), all of the defendant's interest in all property specified herein is subject to forfeiture.

Upon conviction of the offenses set forth in Count One, Two, and Five, the defendants shall forfeit to the United States any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the said offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offense.

Upon conviction of the offenses set forth in Counts Three and Four, the defendant shall forfeit to the United States any and all firearms or ammunition involved in or used in a knowing commission of the said offenses.

The forfeitable property includes, but is not limited to, the following:

- (a) \$1,374.00 in United States Currency;
- (b) One Kahr .45 caliber handgun, model CW45, bearing s/n SG4490, and any and all ammunition.


If any of the above-described forfeitable property, as a result of any act or omission of a defendant --

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;

- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

A TRUE BILL:


  
FOREPERSON

**REDACTED VERSION**

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

DATE: 15 JAN 2019

ROBERT J. HIGDON, JR.  
United States Attorney

  
BY: NICK J. MILLER  
Assistant United States Attorney